

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 25, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 06HD-156

HAWAII

Approval of Lease of Private Property with Mr. Clifford H. Furukado and Mrs. Keri R. Furukado on behalf of the Department of Health, Clean Air Branch, for Air Monitoring Station Site at Keaau, Puna, Island of Hawaii, Tax Map Key: 3rd/1-7-21: portion of 9

APPLICANT:

The State of Hawaii, by its Board of Land and Natural Resources, on behalf of and for the Department of Health, Clean Air Branch, whose mailing address is P.O. Box 3378, Honolulu, Hawaii 96801-3378.

LANDOWNER:

Mr. Clifford H. Furukado and Mrs. Keri R. Furukado, whose mailing address is 1862 South Hale O Kea Street, Hilo, Hawaii 96720.

LEGAL REFERENCE:

Section 171-30(a)(1), Hawaii's Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Olaa Reservation Lots, situated at Keaau, Puna, Island of Hawaii, identified by Tax Map Key: (3) 1-7-21:por. of 9, as shown on the attached map labeled Exhibit A.

AREA:

900 square foot, more or less.

ZONING:

State Land Use District:	Agriculture
County of Hawaii CZO:	Agriculture-1A

TRUST LAND STATUS:

Not applicable since the parcel is private property.

CURRENT USE STATUS:

Not applicable since the parcel is private property.

CHARACTER OF USE:

Solely for the operation of an air monitoring station to monitor ambient concentrations of sulfur dioxide gas from volcanic emissions.

LEASE TERM:

Three (3) years or as determined by the Chairperson.

MONTHLY RENT:

\$175.00 plus electricity and phone charges per month.

DCCA VERIFICATION:

Not applicable, Clifford H. Furukado and Keri R. Furukado are landowners and, as such, are not required to register with DCCA.

REMARKS:

The 2006 Legislative session passed ACT 213 (06) SB2484 SD1 HD2 CD1 appropriating funds to establish two vog monitoring stations on the Island of Hawaii. Current plans are to install one monitoring station in Mountain View and the other in Pahala. This lease is for installation of the Mountain View station.

By correspondence dated July 19, 2006, the Department of Health (DOH), Clean Air Branch (CAB), requested approval from the Department of Land and Natural Resources to enter into a lease agreement with Mr. Clifford H. Furukado and Mrs. Keri R. Furukado for the use of a portion of their private property for an air monitoring station. (EXHIBIT B) The subject leased area consists of a 900 square foot portion of a parcel located in Mountain View, Puna, Hawaii, described as Tax Map Key: 3rd/ 1-7-21: portion of 9. CAB staff states that it was unable to find State or County owned properties in the area appropriate for the intended use. In investigating several private properties in the area,

DOH CAB approached Mr. Furukado to visit his property and later received verbal approval from Mr. and Mrs. Furukado for the use of their parcel. Mr. Furukado is currently a state civil service employee who holds a position as an Environmental Health Specialist IV in the Department of Health, Clean Water Branch, located at the Hawaii District Health Office in Hilo. The Furukado property was selected out of several other potential sites because it was the only site that met the EPA siting guidance and cost containment requirements. Among other requirements, the site must accommodate the air station trailer with a 10-meter meteorological tower, be easily accessible for servicing, have convenient access to utility hook-ups, and be relatively secure. The rental amount being negotiated is the same as with all the other monitoring stations now in operation on the island.

CAB staff further states that although the legislature appropriated funds for the vog monitoring stations, all costs and fees associated with the operation and maintenance of this station will be paid from federal grant money.


The Department of Health and/or its Clean Air Branch will be responsible for all monitoring and resolution of any and all rental issues pertaining to this lease.

RECOMMENDATION:

That the Board approve entering into a lease with Clifford H. Furukado and Keri R. Furukado, on behalf of the Department of Health, Clean Air Branch, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

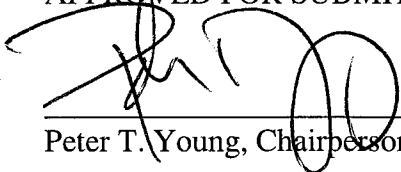
1. Review and approval by the Department of the Attorney General;
2. The Department of Health will be responsible for all monitoring and resolution of any and all rental issues pertaining to this Lease; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

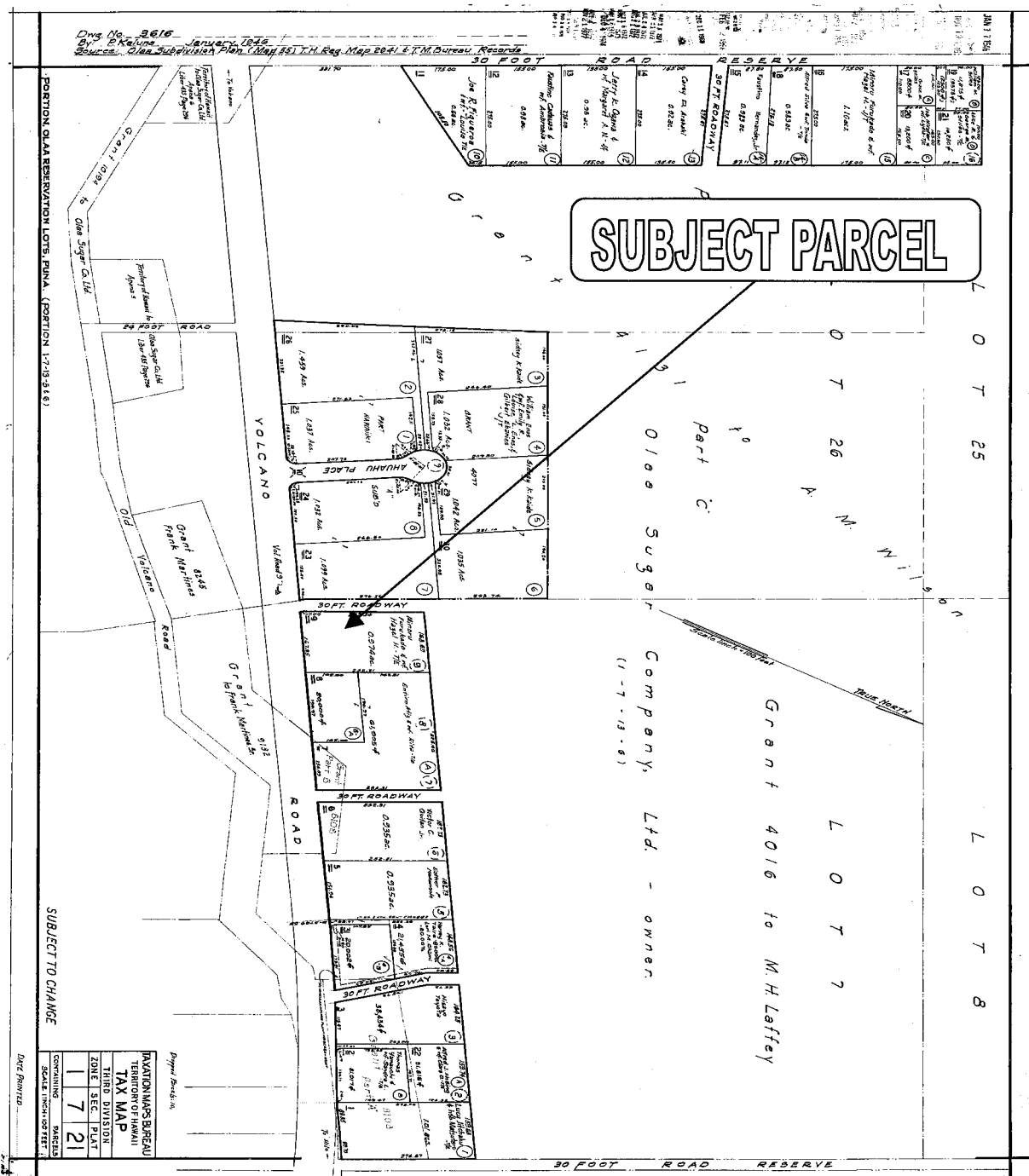


EXHIBIT A

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

06-633M&A CAB

July 19, 2006

TO: Wesley Matsunaga, District Land Agent
Department of Land and Natural Resources

FROM: Susan Kihara *SK*
Clean Air Branch

SUBJECT: Air Monitoring Station in Kea'au, Hawaii

The Department of Health's Clean Air Branch (CAB) is requesting approval from the Department of Land and Natural Resources to enter into a lease agreement with Mr. Clifford H. and Mrs. Keri R. Furukado for the operation of an air monitoring station on a portion of their property in Kea'au, Hawaii.

The following information is being furnished concerning this agreement:

Program: Department of Health, Clean Air Branch
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Lessor: Mr. Clifford H. and Mrs. Keri R. Furukado
1862 South Hale O Kea St.
Hilo, Hawaii 96720
(See attached Public Record Data)

Location: Olaa Reservation
TMK: (3) 1-7-021:por.9
(See attached map)

Area: Approximately a 900 square foot section in the front of the property.

Use: Solely for the operation of an air monitoring station to monitor ambient concentrations of sulfur dioxide gas from volcanic emissions.
The 2006 Legislative session passed ACT 213 (06) SB2484 SD1 HD2 CD1 appropriating funds to establish two vog monitoring stations. This lease is to install one of the stations in Mountain View. Attached is a copy of SB2484.

Term: Three (3) years

EXHIBIT B

Wesley Matsunaga, District Land Agent
July 19, 2006
Page 2

Rental: ONE HUNDRED SEVENTY FIVE AND NO/100 DOLLARS
(\$175.00) plus electricity and phone charges, estimated at \$180.00
per month.

Lease: This is an initial lease with Mr. and Mrs. Furukado

The CAB staff were unable to find state or county owned properties in the area that met siting criteria for the monitoring of volcanic emissions. Mr. Furukado has given the CAB verbal approval to proceed with the lease agreement. Although the legislature appropriated funds for the vog monitoring stations, all costs and fees associated with the operation and maintenance of this station will be paid from federal grant money.

The draft lease agreement has been reviewed by the Deputy Attorney General assigned to the CAB as well as Mr. Furukado and will be finalized pending the approval of the Board of Land and Natural Resources (BLNR). A memo is being sent to the Chairman of the BLNR from the Director of Health with a copy of the draft lease agreement.

We appreciate your assistance in this review process. If you have any questions, please contact Ms. Susan Kihara at (808) 586-4200.

SK:rkb

Enclosure

EXHIBIT B

August 9, 2006

TO: Wesley Matsunaga
DLNR – Hilo

FROM: Susan Kihara
Clean Air Branch

SUBJECT: JUSTIFICATION FOR USE OF FURUKADO PROPERTY TO SITE A
VOG MONITORING STATION

Property Owner

Clifford Furukado is currently a state civil service employee who holds the position as an Environmental Health Specialist IV in the Department of Health, Clean Water Branch, located at the Hawaii District Health Office in Hilo.

Reasons for locating station on this property

1. The Department of Health, Clean Air Branch (CAB) is following EPA siting guidance for the ambient air monitoring of sulfur dioxide emissions. The guidance requirements include having a minimum airflow clearance of 270° around the probe inlet and meeting specific distances from obstructions, tree driplines and roadways.
2. Additionally, properties must be able to accommodate the air station trailer with a 10 meter meteorological tower, be easily accessible for servicing, have convenient access to utility hook-ups and be relatively secure.
3. Given these restrictions, CAB staff looked at various locations in Mountain View. Among them:
 - Mountain View Elementary School
 - A church located off Volcano Road
 - Parks in the area
 - Various other properties including a specific private property located at TMK 18-1664 Volcano Road.

For various reasons, none of the properties met siting and cost containment requirements. Mr. Furukado was approached and he allowed CAB staff to visit his property. It was determined that an air station located on his property would meet siting guidance with minimal preparation costs and standard lease negotiations procedures were followed.

Lease Agreement Terms

1. As seen on the following page, the lease fee will be no more than what is paid to two of the other leased properties in Puna (Ridgway and Chow leases). The third lessor in the Puna area (Kurokawa) requested payment of \$125.00 per month.

EXHIBIT B